

AMENDED IN SENATE APRIL 7, 2010

**SENATE BILL**

**No. 1052**

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**Introduced by Senator Oropeza**

February 16, 2010

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An act to add Section ~~42920.5~~ to ~~12218~~ to the Public Contract Code, and to amend Section 42926 of the Public Resources Code, relating to electronic waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1052, as amended, Oropeza. Electronic waste: state agencies.

(1) Existing law, *the State Contract Act*, requires, among other things, that each state agency ensure that at least 50% of reportable purchases are recycled products.

*The California Integrated Waste Management Act* requires each state agency, as defined, to develop and adopt, in consultation with the Department of Resources Recycling and Recovery, an integrated waste management plan, to provide for the diversion at least 50% of the solid waste generated by the state agency from landfill disposal or transformation and to submit an annual report to the department regarding the implementation of the plan. Existing law requires the Department of Toxic Substances Control to adopt regulations that identify electronic devices that are presumed to be, when discarded, a hazardous waste subject to the hazardous waste control laws.

~~This bill would require the Department of Toxic Substances Control, the Department of Resources Recycling and Recovery, and the Department of General Services to jointly collaborate to identify the methods that state agencies are required to adopt to properly handle and dispose of electronic waste, as defined, and would require each state agency to adopt an electronic waste management plan. The bill~~

would require the plan to be submitted to the Department of Toxic Substances Control, by January 1, 2012, for review and approval, and would require each state agency to submit an annual report to the Department of Toxic Substances Control regarding the implementation of the plan.

The bill would authorize the Department of Toxic Substances Control to require the plan to be revised and to take enforcement action pursuant to the hazardous waste control laws, if a state agency manages or disposes of electronic waste in violation of the hazardous waste control law.

*This bill would require the Department of General Services, in collaboration with the Department of Resources Recycling and Recovery and the Department of Toxic Substances Control, to identify the methods that state agencies are required to use to properly handle, recycle, and dispose of electronic waste, and to assist state agencies to comply with applicable federal, state, and local laws and regulations governing the management of hazardous waste.*

*The bill would require a state agency to include in the annual solid waste reduction plan information regarding the management of electronic waste generated by the state agency. The bill would require the Department of General Services to review this information and if that department believes that a state agency is not managing electronic waste consistent with the required methods or in compliance with all applicable federal, state, or local laws or regulations, the Department of General Services would be required to notify the Department of Toxic Substances Control to determine the appropriate enforcement action.*

Since existing law defines state agency, for purposes of waste management, as including community college districts, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 12218 is added to the Public Contract*  
2     *Code, to read:*

3     12218. (a) *The department, in collaboration with the*  
4     *Department of Resources Recycling and Recovery and the*  
5     *Department of Toxic Substances Control, shall identify the methods*  
6     *that state agencies are required to use to properly handle, recycle,*  
7     *and dispose of electronic waste, as defined in paragraph (2) of*  
8     *subdivision (f) of Section 42926 of the Public Resources Code,*  
9     *and shall assist state agencies to comply with applicable federal,*  
10    *state, and local laws and regulations governing the management*  
11    *of hazardous waste. The department shall make this information*  
12    *available to all state agencies and shall post and maintain this*  
13    *information on the department's Internet Web site.*

14    (b) *As soon as practicable after on January 1, 2011, and on or*  
15    *before January 1 annually thereafter, the department shall review*  
16    *the information submitted the previous calendar year to the*  
17    *Department of Resources Recycling and Recovery pursuant to*  
18    *subdivision (c) of Section 42926 of the Public Resources Code.*

19    (c) *If the department believes that a state agency is not*  
20    *managing electronic waste consistent with the methods identified*  
21    *in subdivision (a) or in compliance with all applicable federal,*  
22    *state, or local laws or regulations governing the management of*  
23    *hazardous waste, the department shall notify the Department of*  
24    *Toxic Substances Control to determine the appropriate enforcement*  
25    *action.*

26    *SEC. 2. Section 42926 of the Public Resources Code is*  
27    *amended to read:*

28    42926. (a) *In addition to the information provided to the ~~board~~*  
29    *department pursuant to Section 12167.1 of the Public Contract*  
30    *Code, each state agency shall submit an annual report to the ~~board~~*  
31    *department summarizing its progress in reducing solid waste as*  
32    *required by Section 42921. The annual report shall be due on or*  
33    *before September 1, 2009, and on or before September 1 in each*  
34    *subsequent year. The information in this report shall encompass*  
35    *the previous calendar year.*

36    (b) *Each state agency's annual report to the ~~board~~ department*  
37    *shall, at a minimum, include all of the following, in the manner*  
38    *prescribed by the department:*

1 (1) Calculations of annual disposal reduction.

2 (2) Information on the changes in waste generated or disposed  
3 of due to increases or decreases in employees, economics, or other  
4 factors.

5 (3) A summary of progress made in implementing the integrated  
6 waste management plan.

7 (4) The extent to which the state agency intends to utilize  
8 programs or facilities established by the local agency for the  
9 handling, diversion, and disposal of solid waste. If the state agency  
10 does not intend to utilize those established programs or facilities,  
11 the state agency shall identify sufficient disposal capacity for solid  
12 waste that is not source reduced, recycled, or composted.

13 (5) Other information relevant to compliance with Section  
14 42921.

15 (c) *In addition to the information required to be included in the*  
16 *annual report pursuant to subdivision (b), the state agency shall*  
17 *provide, at a minimum, all of the following information regarding*  
18 *the management of electronic waste generated by the state agency:*

19 (1) *The types and quantities of electronic waste generated by*  
20 *the state agency.*

21 (2) *Whether the management and final disposition of that*  
22 *electronic waste is in compliance with all applicable federal, state,*  
23 *and local laws and regulations that govern the management of*  
24 *hazardous waste, in accordance with Section 12218 of the Public*  
25 *Contract Code.*

26 (3) *Efforts by the state agency to reduce the amount of electronic*  
27 *waste being generated.*

28 (e)

29 (d) ~~The board~~ department shall use, but is not limited to the use  
30 of, the annual report in the determination of whether the agency's  
31 integrated waste management plan needs to be revised.

32 (e) *The reports received pursuant to this section shall be posted*  
33 *on the department's Internet Web site. The department shall notify*  
34 *the Department of Toxic Substances Control and the Department*  
35 *of General Services of the availability of the reports.*

36 (f) *For purposes of this section, the following definitions shall*  
37 *apply:*

38 (1) *"Department" means the Department of Resources*  
39 *Recycling and Recovery.*

(2) *“Electronic waste” means a waste, including, but not limited to, a computer monitor, television, cell phone, pager, printer, computer body, including a central processing unit (CPU) or processor, video cassette recorder, cordless or regular telephone, radio, or another like device that is considered by Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code to be a hazardous waste when discarded and is required to be managed pursuant to Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.*

SECTION 1. Section 42920.5 is added to the Public Resources Code, to read:

42920.5. (a) ~~For purposes of this section “electronic waste” means a covered electronic device, as defined in subdivision (f) of Section 42463.~~

(b) ~~The Department of Toxic Substances Control, the Department of Resources Recycling and Recovery, and the Department of General Services shall jointly collaborate to identify the methods that state agencies shall adopt to properly handle, recycle, and dispose of electronic waste and to assist state agencies in implementing this section.~~

(c) ~~In addition to the integrated waste management plan adopted pursuant to Section 42920, each state agency shall adopt an electronic waste management plan, in accordance with the methods identified pursuant to subdivision (b), to accurately track the amount of electronic waste that is generated, handled, recycled, and disposed of by the state agency.~~

(d) ~~The electronic waste management plan adopted pursuant to subdivision (c) shall be submitted to the Department of Toxic Substances Control, on or before January 1, 2012, for review and approval.~~

(e) ~~On or before January 1, 2013, and annually thereafter, each state agency shall submit a report to the Department of Toxic Substances Control regarding the implementation of the electronic waste management plan adopted pursuant to this section.~~

(f) ~~The Department of Toxic Substances Control may require the electronic waste management plan adopted pursuant to subdivision (c) to be revised, based on the information in the annual report submitted pursuant to subdivision (e), and may take enforcement action pursuant to Chapter 6.5 (commencing with~~

1 ~~Section 25100) of the Health and Safety Code, if a state agency~~  
2 ~~manages or disposes of electronic waste in violation of that chapter.~~

3 ~~SEC. 2.~~

4 *SEC. 3.* If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.